

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

WP(C).No. 17 of 2007(B)

CMP.14855/2006 of J.M.F.C.,CHAVAKKAD
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PETITIONER:

1. K.H.ISMAIL SHERIF,
S/O.HUSSAIN SAHIB, KALASSERIPARAMBIL HOUSE,
OPPOSITE CIVIL LINES, AYYANTHOLE P.O.,
THRISSUR.
2. SMT.YASMINE SHERIEF,
W/O.ISMAIL SHERIF, KALASSERIPARAMBIL HOUSE,
OPPOSITE CIVIL LINES, AYYANTHOLE P.O.,
THRISSUR.
3. SHERIN K.I., D/O.ISMAIL SHERIF,
KALASSERIPARAMBIL HOUSE,
OPPOSITE CIVIL LINES, AYYANTHOLE P.O.,
THRISSUR.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:

1. SHRI.C.B.NIJESH, S/O.BHASKARAN,
AGED 23 YEARS, CHEMBAN HOUSE,
KUNDALIYOOR P.O., CHAVAKKAD, THRISSUR DISTRICT.
2. THE SUB INSPECTOR OF POLICE,
VADANAPPILLY POLICE STATION,
VADANAPPILLY P.O., THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SRI.K.A.AKBAR`

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R.BASANT, J

W.P(C).No.17 of 2007

Dated this the 2nd day of January, 2007

JUDGMENT

The petitioners, parents and a major woman have come before this Court with this petition complaining about the initiation of proceedings by the Judicial Magistrate of the First Class, Chavakkad under Section 97 Cr.P.C. The learned Magistrate has issued a warrant for the search and production of the 3rd petitioner on the allegation of the 1st respondent that she, his wife is being detained by petitioners 1 and 2 against her consent.

2. It is not necessary for me to narrate the sequence of events, which has lead to this Writ Petition being filed by the petitioners. Even admittedly the 3rd petitioner was present along with the 1st respondent from 11.08.2006 to 12.12.2006. According to the petitioners, she had returned to the house of the 1st respondent on 12.12.2006 and thereafter at her request she was taken away by petitioners 1 and 2.

3. The learned Magistrate has issued a warrant to search for and produce the 3rd petitioner. If the case of the petitioners were true, genuine and honest, I am of opinion that the 3rd petitioner must be produced before the learned Magistrate by petitioners 1 and 2 or she must be permitted to appear before the learned Magistrate. It is

for the 3rd petitioner to state before the learned Magistrate whether she is under confinement or not. This Writ Petition is, in these circumstances, dismissed, with specific direction to petitioners 1 and 2 to produce the 3rd petitioner before the learned Magistrate immediately. Communicate this order to the learned Magistrate forthwith.

(R.BASANT, JUDGE)

rtr/-